

UNITED STATES DISTRICT COURT
 for the
Eastern District of Pennsylvania

In the Matter of the Search of
 (Briefly describe the property to be searched
 or identify the person by name and address)

Buccal Swabs from Jonathan Foggie

Case No. 18-948

APPLICATION FOR A SEARCH WARRANT

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property (identify the person or describe the property to be searched and give its location):

Jonathan Foggie, DOB 07/28/1984, incarcerated at the Philadelphia Federal Detention Center, Reg. No. 76596-066 located in the Eastern District of Pennsylvania, there is now concealed (identify the person or describe the property to be seized):

Buccal swabs from Jonathan Foggie, specifically: two cotton swabbings from the inside of the mouth, from the cheek area.

The basis for the search under Fed. R. Crim. P. 41(c) is (check one or more):

evidence of a crime;
 contraband, fruits of crime, or other items illegally possessed;
 property designed for use, intended for use, or used in committing a crime;
 a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

<i>Code Section</i>	<i>Offense Description</i>
18 USC Sect. 1951 (a)	Robbery that interferes with interstate commerce

The application is based on these facts:
 See attached affidavit

Continued on the attached sheet.

Delayed notice of _____ days (give exact ending date if more than 30 days: _____) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.


 Applicant's signature

FBI Special Agent Andrew M. Allaire

Printed name and title

Sworn to before me and signed in my presence.

Date: 6/15/2018

City and state: Philadelphia, Pennsylvania

Chief U.S. Magistrate Judge LINDA K. CARACAPPA

Printed name and title


 Judge's signature

AFFIDAVIT IN SUPPORT OF SEARCH WARRANT

I, Andrew M. Allaire, being first duly sworn under oath and deposed, state the following:

INTRODUCTION

1. I am a Special Agent with the Federal Bureau of Investigation (FBI) assigned to the Philadelphia, Pennsylvania Division. I have been employed with the FBI since May 14, 2017. I am currently assigned to the Violent Crimes Task Force (VCTF) and have been since October, 2017. My current duties include, among other things, the investigation of bank robberies, fugitives, kidnappings, and Hobbs Act robberies. Prior to my duties as a Special Agent with the FBI, I was a sworn police officer in the City of Biddeford in the State of Maine from July 2011 until April 2017.

2. I make this affidavit in support of a Search and Seizure Warrant for the person of:

JONATHAN FOGGIE

RACE: BLACK SEX: MALE

DATE OF BIRTH: 07/28/1984

PA SID#: 28913541

FBI#: 88340CC2

to obtain the following evidence: ORAL SECRETION (EPITHELIAL CELLS) obtained by rubbing cotton swabs against the inner cheek lining of JONATHAN FOGGIE'S mouth cavity, in sufficient quantity for scientific examination and comparison for DNA typing and DNA comparison. I base the facts set forth in this affidavit upon my personal knowledge, information obtained during my participation in this investigation, review of documents, knowledge obtained from other individuals including law enforcement personnel, and communications with others who have personal knowledge of events and circumstances described herein. This affidavit does not set forth each and every fact learned by me or other agents during the course of this investigation. Based on my training and experience, and the facts set forth in this affidavit, there

is probable cause to believe that the aforementioned offender has committed the following violation of federal law: robbery which interferes with interstate commerce, in violation of Title 18, United States Code, Section 1951(a). I have learned the following facts which are true and correct to the best of my knowledge, information and belief:

PROBABLE CAUSE

3. This investigation involves a total of at least 24 armed robberies which interfered with interstate commerce. The robberies were committed by multiple offenders. The subject of this search warrant, JONATHAN FOGGIE, has admitted that he committed approximately 13 of those robberies, including one in which a victim was shot when he offered resistance. During the investigation into these robberies, physical evidence was recovered, including disguise items such as a wig and one or more facemasks, and firearms. The investigation is ongoing and the collection of evidence will continue as well. FOGGIE'S DNA is needed for comparison with any DNA recovered from these items. An overview of the facts of each robbery follows:

4. On Friday, November 3, 2017, at approximately 07:50 pm, four unknown male subjects (UNSUBS) entered the Erie Styles barbershop, 1605 W. Erie Avenue, Philadelphia, Pennsylvania (PA) 19140. UNSUB1 (firearm) searched the barbershop, while the other three stayed with the owner and a customer. The three UNSUBS stole \$300 United States Currency (USC) from the owner and \$15 USC from the customer. UNSUB1 was described as a black male wearing a gray hooded sweatshirt and carrying a black handgun.

5. On Tuesday, November 21, 2017, at approximately 6:10 pm, two UNSUBS entered Pretty Boys Barber Shop, 6813 Ogontz Avenue, Philadelphia, PA 19138 with masks on and demanded all the money. Both UNSUBS were armed with firearms. Two complainants complied and handed over \$100 USC each. The UNSUBS then fled on foot toward 67th Avenue.

6. On Wednesday, November 22, 2017, at approximately 5:45 pm, two UNSUBS entered Works of Art barbershop, 546 E. Tulpehocken Street, Philadelphia, PA 19144, and stated, "You know what this is. Don't make any sudden moves or I'll shoot this place up." UNSUB1 (firearm) watched the complainants while UNSUB2 went through the customer's pockets taking \$180 USC and an iPhone 6. Both subjects then fled on foot. UNSUB1 was described as a black male in his thirties, with a light mustache, carrying a black handgun. The male was wearing a dark gray jacket and blue jeans. UNSUB2 was described as a black male, wearing a black half facemask and black jacket.

7. On Saturday, December 9, 2017, at approximately 8:19 pm, two UNSUBS wearing masks entered Marie Mini Market, 1401 E. Luzerne Street, Philadelphia, PA 19124. UNSUB1 (armed with a firearm) was described as a black male. He grabbed two witnesses, took \$80 USC from them and held them at gunpoint. The gun was described as a black handgun, possibly a 9mm. UNSUB2 was described as a Hispanic male who went behind the counter and demanded money from the register. UNSUB2 stole \$200 USC and 8-9 packs of cigarettes. Both subjects fled the scene on foot. Following the robbery, JONATHAN FOGGIE was identified as a possible suspect after his name was generated from facial recognition. FOGGIE was on state parole at the time and his parole agent confirmed the male matched FOGGIE's description and provided telephone number 267-394-5314 as FOGGIE's number. A State search warrant (#208876), dated 01/30/2018, was completed on that number. Results of the search warrant showed that following each of the previously mentioned robberies, FOGGIE called telephone number (267-701-6779). Subscriber information identified the owner of 267-701-6779 as ANTOINETTE Morris. MORRIS was identified as FOGGIE's girlfriend.

8. On Saturday, December 9, 2017, at approximately 11:06 pm, two UNSUBS entered Chris's Pizza located at 7921 West Chester Pike, Upper Darby, PA 19082. Both UNSUBS were wearing ski masks and demanded money. UNSUB1 produced a black semi-automatic handgun and pointed it at the witnesses. UNSUB1 did not speak while he held the witnesses at gunpoint. UNSUB2 went around the counter and demanded money from the register. UNSUB2 went through the pockets of a delivery driver and stole approximately \$300 USC and a black Samsung telephone. UNSUB2 also stole \$700 USC from the register and \$100 USC and an Apple iPhone 7S from the complainant. UNSUB1 was described as a black male, approximately 6'4" and thin build. UNSUB2 was described as black male, approximately 5'6" and muscular build. Responding officers located a vehicle fleeing the scene at a high rate of speed. The vehicle failed to stop and eventually crashed in Philadelphia. The vehicle was a rental car, rented in the name of ANTOINETTE MORRIS. MORRIS consented to a search of the vehicle, during which several items of evidence were recovered, including two black masks and two identification cards belonging to FOGGIE.

9. On Saturday, December 16, 2017, at approximately 2:05 pm, two UNSUBS entered the Cuts Correct barbershop, 1447 E. Vernon Road, Philadelphia, PA 19150 and announced, "Nobody move. Get your hands out of your pockets and don't try anything." UNSUB1 (firearm) stood by the door while UNSUB2 went through the complainant's pockets. UNSUB2 took \$869 USC and a T-Mobile cell phone. The offenders fled the area on foot. Both subjects were described as black males in their twenties. UNSUB1 was wearing a dark Nike hooded sweatshirt, gray sweatpants and black sneakers. UNSUB2 was wearing a gray Nike hooded sweatshirt and gray sweatpants.

10. On Thursday, December 28, 2017, at approximately 8:25 pm, two UNSUBS entered La Fama barbershop, 3601 Kensington Avenue, Philadelphia, PA 19134 and UNSUB1 pointed a black and chrome handgun at the owner and customers, ordering them to get on the floor. The complainant drew a firearm and fired three rounds at UNSUB1 and UNSUB2, but did not strike them. The UNSUBS fled on foot, UNSUB1 fired one shot as they fled. UNSUB1 was described as a black male in his twenties wearing a gray hooded sweatshirt with the hood up, black half ski mask covering his face, armed with a black handgun. UNSUB2 was described as a black male in his twenties wearing a black half ski mask and gray hooded sweatshirt.

11. On Wednesday, January 3, 2018, at approximately 7:47 pm, two UNSUBS entered La Familia Barber Shop, 1354 E. Lycoming Street, Philadelphia, PA 19124 pointing firearms at three complainants ordering, "Nobody move." Both subjects went through the complainants pockets. Taken from the first complainant was \$200 USC. Taken from the second complainant was a 9 millimeter (mm) Taurus handgun loaded with 13 rounds, a wallet and an iPhone7 plus. Taken from the third complainant was \$10 USC. The subjects then went to a closet and removed a digital video recorder (DVR) unit. The males fled the area on foot.

12. On Thursday, January 11, 2018, at approximately 8:45 pm, two UNSUBS entered El Nino grocery store, 4540 Rising Sun Avenue, Philadelphia, PA 19140 wearing ski masks and armed with handguns. UNSUB1 demanded money from the cash register, while UNSUB2 ordered the complainant to hand over his Samsung Galaxy S5 cell phone. UNSUB1 was given approximately \$200-250 USC before both subjects fled on foot.

13. On Thursday, January 11, 2018, at approximately 9:01 pm, two UNSUBS entered Harris Hair Styling, 2910 N. 22nd Street, Philadelphia, PA 19132 and said, "Give that shit up."

The complainant grabbed UNSUB1 (firearm) and tried to pull him outside. UNSUB1 shot the complainant in his right leg and chest with a black firearm. Both offenders fled the area on foot.

14. On Friday, January 26, 2018, at approximately 10:00 pm, two UNSUBS entered Mike's Service Center, 8901 Ridge Avenue, Philadelphia, PA 19128. UNSUB1 (firearm) aimed a firearm at the employee and demanded cash. The victim attempted to flee, but was struck with the firearm, tackled to the ground and shot once in the left side. UNSUB2 opened the cash register and searched for money, however it was already secured in a safe. The victim described the UNSUB1 as a black male, athletic build, wearing a dark colored gray/green jacket, dark pants, black knit hat and carrying a tec-9 semi-automatic handgun. The victim described UNSUB2 as a black male, stocky build, wearing a dark hooded jacket and dark pants. The aforementioned robbery was captured on a video surveillance system, located inside and outside of the business.

15. On Thursday, February 22, 2018, at approximately 11:55 am, UNSUB1 (firearm) entered Agency Insurance Services, 6224 Wayne Avenue, Philadelphia, PA 19144. UNSUB1 produced a Tec-9 style handgun and demanded all the money. The complainant have UNSUB1 \$200 USC from her desk. UNSUB1 demanded more money, but there was not any. UNSUB1 then stole the complainants two cell phones and fled the store. UNSUB1 was described as black male, slim build, 6'2" wearing a blue hooded sweatshirt.

16. On Monday, February 26, 2018, at approximately 6:18 pm, UNSUB1 (firearm) knocked on the door of Dear Brother barber shop, 5104 N Germantown Avenue, Philadelphia, PA 19144. When the complainant opened the door, UNSUB1 produced a black Tec-9 handgun and stated, "You know what it is." The complainant grabbed the firearm and struggled for control of it. Two other complainants assisted and fought UNSUB1 off who fled the store.

UNSUB1 was described as a black male, 6' height, a full beard, wearing a white/light gray sweatshirt and blue jeans. Video surveillance identified the sweatshirt as having black writing on the back, "True Religion Brand Jeans World Tour" with a graphic of a man playing a guitar.

17. On Monday, March 5, 2018, at approximately 9:55 pm, two UNSUBS entered 5650 Chew Avenue, Philadelphia, PA the Golden China Restaurant, forcing an employee to the back of the store at point of firearm, punching him in the back of the head. The UNSUBS stole \$1500 USC and the complainants gold iPhone 7. The UNSUBS then fled the scene on foot southbound on Chew Avenue. UNSUB1 was described as a black male, medium complexion, approximately 27 years old. He was described as having medium build, approximately 140 lbs, wearing a black mask, black puffy jacket, black hooded sweatshirt, gray pants and was armed with a black firearm. UNSUB2 was described as a black male wearing a green hooded jacket.

18. On Tuesday, March 13, 2018, at approximately 1:00 pm, UNSUB1 (firearm) entered Towne Tobacco, 417 West Cheltenham Avenue, Elkins Park, PA 19027 wearing all black clothing and a black mask. UNSUB1 demanded money and was given approximately \$1000 USC before fleeing the store and entering a red Mitsubishi Galant. UNSUB1 was described as a black male, stocky build and was armed with a silver revolver. Further information gathered from video surveillance showed that approximately 20 minutes before the robbery at 12:40 pm, the red Mitsubishi parked a short distance from Towne Tobacco on Valley Road. UNSUB1 was accompanied in the red Mitsubishi by UNSUB2, wearing a black jacket over a white hooded sweatshirt. UNSUB2 stepped out of the Mitsubishi and entered Mr. Cigarette. Investigators positively identified UNSUB2 as FOGGIE after viewing the video. UNSUB2 returned to the Mitsubishi and entered the driver's seat while UNSUB1 entered Towne Tobacco. From witness statements and video surveillance, the registration on the Mitsubishi was

identified as PA JZT8046. The owner of the vehicle was contacted, but advised he was currently in Seattle, Washington; which was confirmed. The vehicle had been loaned to RANDALL SINGLETARY (DOB 5/27/87). SINGLETARY spoke to Detective Gonglik via telephone number (267-730-9152) and said he lent the car to "BRANDON." SINGLETARY said "BRANDON'S" telephone number is 267-269-1423. Video surveillance of UNSUB1 inside Towne Tobacco matched the description of SINGLETARY.

19. Cell tower records from the 8901 Ridge Ave robbery show that, at the time and location of the robbery, telephone number (267-701-6779) belonging to MORRIS was in contact with "BRANDON'S" telephone; and that telephone number (267-730-9152), belonging to SINGLETARY was also in contact with "BRANDON's" telephone.

20. On Tuesday, March 13, 2018, at approximately 1:18 pm, two UNSUBS entered McClain Unisex Salon, 401 E. Vernon Road, Philadelphia, PA 19119. UNSUB1 (firearm) pointed a silver revolver at a customer and announced a robbery. After taking the salon's money, the UNSUBS went to an employee and took her pocketbook. The UNSUBS then took the customers money and cell phones. UNSUB1 was described as a black male in his twenties, 6'1", thin build wearing a black hoodie with the hood up, mask, and black pants. UNSUB2 was described as a black male in his twenties, 5'9", and stocky build wearing a black jacket, black pants, and a mask.

21. On Tuesday, March 20, 2018, at approximately 9:30 pm, UNSUB1 (firearm) entered China Garden at 8300 Bustleton Avenue. UNSUB1 jumped the counter and demanded money from the register. After taking the money from the register, UNSUB1 asked where the other money was. An employee told UNSUB1 there was no other money. UNSUB1 struck the employee in the head with the firearm and fled on foot. UNSUB1 was described as a black male

with dread locks, wearing a black jacket, with a white or gray hooded sweatshirt underneath and was armed with a silver revolver. Following the robbery, investigators identified UNSUB1 as FOGGIE wearing a wig from the store's video surveillance.

22. On Friday, March 23, 2018, at approximately 12:37 am, UNSUB1 (firearm) entered the A&J Supermarket, 2501 W. Huntingdon Street, and pointed a firearm at the complainant. UNSUB1 told the complainant to "Step back and don't do anything." UNSUB1 stole approximately \$300.00 USC from the register and fled the store. UNSUB1 was described as a black male wearing a brown leather jacket over a gray hooded sweatshirt, light blue jeans and black shoes. UNSUB1 was armed with a silver revolver. Following the robbery, investigators identified UNSUB1 as FOGGIE from the store's video surveillance.

23. On Friday, March 23, 2018, at approximately 1:55 pm, UNSUB1 (firearm) entered Spencer Food Market, 134 W. Spencer Street and went to the front counter. UNSUB1 purchased a cigar and walked toward the door. UNSUB1 produced a silver revolver from his pocket, grabbed a female employee and held the firearm to her head demanding all the cash from a second employee. The second employee complied and handed UNSUB1 all of the cash who then fled the store. UNSUB1 was described as a black male, 25-30 years old, 6'0" – 6'3", with long braids, a dark hooded sweatshirt, dark pants and a large silver revolver. Following the robbery, investigators identified UNSUB1 as FOGGIE wearing a wig from the store's video surveillance.

24. On Saturday, March 24, 2018, at approximately 9:00 pm as the employees were closing the store, a female (UNSUB1) began knocking at the door of Payless Shoe Store at 3001 W. Cheltenham Avenue, Philadelphia, PA 19150. UNSUB1 said she left her keys inside the store and was granted access back in. Employees assisted UNSUB1 look for her keys, but

nothing was found. As UNSUB1 opened the door to leave, UNSUB2 (firearm) ran into the store and UNSUB1 continued to exit. An employee caught up with UNSUB1 and asked her to call 911. UNSUB1 claimed her phone was dead, despite the employee seeing that it was not. UNSUB2 stole \$1,000 USC from the store. UNSUB1 was described as a black female, light skin tone, short hair, and heavy build wearing a sweater with roses on it, a black skirt and black boots. UNSUB2 was described as a black male with a beard, stocky build, approximately 5'6", in his mid-twenties wearing all black with a black mask and armed with a silver revolver.

25. On Wednesday, March 28, 2018, at approximately 5:56 pm, two UNSUBS robbed a male complainant in the area of 5500 Musgrave Street. Both UNSUBS were armed with firearms, physically attacked the complainant and robbed him of all the valuables he had on him. The UNSUBS entered the complainants car, went through the car and left in the vehicle. UNSUB1 was described as a black male, 28-32 years old, 6'1", muscular build, armed with a silver revolver. UNSUB2 was described as a black male, 25-28 years old, 5'9" wearing a black Nike hooded sweatshirt, armed with a black semi-automatic handgun.

26. On Wednesday, March 28, 2018, at approximately 6:57 pm, two UNSUBS entered Sanz Grocery, 7100 Louise Street, both producing firearms and demanding money. The UNSUBS stole approximately \$600 USC and fled in an unknown direction. UNSUB1 was describe as black male in his twenties, 6'0", thin build, with a black and silver handgun. UNSUB2 was described as a black male in the twenties, 5'8", wearing black pants and carrying a black firearm. Following the robbery, investigators identified UNSUB1 as FOGGIE from the store's video surveillance.

27. On Saturday, March 31, 2018, at approximately 11:09 am, UNSUB1(firearm) entered Pizza and Steak Master, 6627 Chew Avenue. UNSUB1 ordered the complainant to give

up all the money. UNSUB1 was handed approximately \$300 USC and fled the store. UNSUB1 was described as a black male, 6' with a black puffy jacket, a gray hooded sweatshirt, blue jeans, a dark face mask and armed with a silver revolver. Following the robbery, investigators identified UNSUB1 as FOGGIE from the store's video surveillance.

28. On Tuesday, April 3, 2018, at approximately 6:45 am, your affiant, along with the FBI Violent Crimes Task Force, U.S. Marshal's Task Force, and Pennsylvania State Parole Agents executed a search warrant (#209594) inside of 2323 N. Opal Street, Philadelphia, PA, searching for an Apple iPhone 7, owned by MORRIS. As discussed, MORRIS' cell phone number (267-701-6779) appeared on the cell phone towers of the robberies at 8901 Ridge Ave and 2910 N 22nd St on the date and time of the robberies. Upon making entry through the front door, an unknown male ran from the front room to the basement. Law enforcement personnel made contact with MORRIS, who identified the male who ran downstairs as FOGGIE. FOGGIE was wanted on Pennsylvania State Parole Violation and was a suspect on aforementioned robberies. FOGGIE barricaded himself briefly inside a small crawl space in the basement. After taking FOGGIE into custody and securing the residence, a quick survey of the living room showed a cell phone lying on the floor next to a silver colored revolver in plain view. On the opposite side of the room was a dread-lock style wig in an opened brown paper bag. The wig appeared to be the same wig worn in the robberies on Bustleton Avenue and Huntington Street. A subsequent search warrant (#209595) was obtained and completed on the residence. Evidence seized during the second search warrant included clothes, a mask and a wig worn during the robberies, two cell phones (one belonging to MORRIS and one belonging to FOGGIE), a silver revolver, ammunition and narcotics.

29. FOGGIE was interviewed at the Philadelphia Police Northwest Detectives Division (NWDD) by Detective Coulter, Task Force Officer Benham and Special Agent Allaire. After being advised of his Miranda Rights, FOGGIE was questioned about his involvement in the above mentioned armed robberies. FOGGIE admitted being directly involved in 13 of the robberies, and denied involvement in the others. He initially denied involvement in the robbery and shooting at 8901 Ridge Avenue, but later changed his statement and admitted to it and to shooting the store clerk. FOGGIE explained that his cell phone number changed numerous times over the duration of the aforementioned robberies. On occasion, FOGGIE used his girlfriend's cell phone (267-701-6779). FOGGIE stated that his current phone, which was seized during the search, is telephone number (267-205-0011). FOGGIE began using the current number in middle of March. FOGGIE refused to talk about co-conspirators, but did confirm that the silver revolver recovered from the residence is the same firearm used in the aforementioned robberies.

30. SINGLETARY and FOGGIE were codefendants in a 2012 robbery to which they both plead guilty to and served 5 years in prison are on probation for the next 10 years.

CONCLUSION

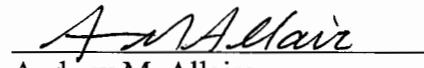
31. The items seized in this investigation have been preserved and prepared to be submitted to the Philadelphia Police Department Criminalistics Unit or other laboratory to examine for the presence of DNA.

32. In order to process and render a comparative analysis of the evidence, an examining laboratory requires a DNA sample, in the form of buccal cells, from FOGGIE. The laboratory has the capacity to subject any DNA recovered on the collected items for comparative analysis to determine whether FOGGIE'S DNA was found on any of the item(s). From my training and experience, I am aware that a buccal swab from FOGGIE is required for this

analysis, and that the process for acquiring a buccal sample from a defendant (i.e., swabbing the cheek area to obtain cheek cells) is much less physically intrusive than collecting a blood or hair sample for purposes of DNA analysis.

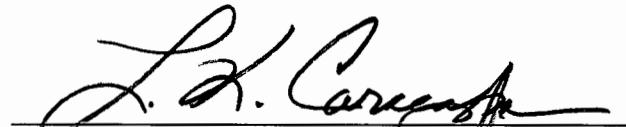
33. For all the reasons stated above, there is probable cause to believe that JONATHAN FOGGIE has on multiple occasions engaged in robbery of a business that affects interstate commerce, or Hobbs Act robbery, in violation of Title 18 United States Code subsection 1951(a). There is probable cause that DNA recovered from the physical evidence collected during this investigation will, when compared with DNA from FOGGIE taken pursuant to this warrant, lead to additional evidence of his involvement in these events.

34. Based on the above facts, your affiant believes that there is probable cause to support this request to obtain buccal swabs of the inner cheek lining mouth cavities of JONATHAN FOGGIE in sufficient quantity for scientific examination and comparison for DNA typing and DNA comparison.



Andrew M. Allaire
Special Agent
Federal Bureau of Investigation

Sworn to and subscribed before me
this 15 day of June, 2018.



HONORABLE LINDA K. CARACAPPA
Chief United States Magistrate Judge